

**Mt. Pleasant Planning Commission
Minutes of Regular Meeting
May 7, 2009**

I. Chairman Orlik called the meeting to order at 7:00 p.m.

Present: Ellertson, English, Holtgrieve, Jakeway, Lux, Orlik (Chair), Smith (Vice Chair).

Absent: Brockman, Robinette.

Staff: Gray, Morrison, Sundberg.

The Chair introduced Nancy English, appointed to fill a vacancy ending January 31, 2012.

II. Approval of Agenda:

Motion by Holtgreive, seconded by Lux, to approve the agenda as presented. Motion approved.

III. Approval of Minutes

A. April 9, 2009 – Regular Meeting.

Motion by Smith, seconded by Ellertson, to approve the minutes of the regular meeting as presented.
Motion approved.

B. April 9, 2009 – Work Session.

Motion by Lux, seconded by Smith, to approve the minutes of the work session as presented.
Motion approved.

IV. Zoning Board of Appeals Report.

A. Monthly report for April.

Commissioner Ellertson reported that there was no Zoning Board of Appeals meeting in April.

V. Public Hearings:

Chairman Orlik explained the public hearing process.

A. SUP-09-06 – 1511 Abbey Lane – Michelle Davis – Request for a Special Use Permit to allow a Group Day Care Home in an R-3 single family residential district.

Staff presented details of the applicant's request as noted in the Staff Report dated May 1, 2009.

The applicant approached the podium and explained that she currently lives at 1924 Churchill Blvd. where she has operated a day care for 12 children for the past 11 years.

Chairman Orlik questioned the hours of operation. Ms. Davis answered normally 5:15 to 5:30; 6:00 at the latest.

Commissioner Smith asked if the proposed site is State approved. Davis answered that some of the inspections have been done. Smith asked how toy clutter will be addressed. Davis said toys are picked up daily, noting that ages vary, some babies, some older, which would reduce the number of play toys.

Commissioner Lux asked about the fencing along Sweeney. Davis confirmed the fence will match the existing fence to the NE corner of the lot, then chain link for the remainder of the yard. Lux also asked about the setback for a playscape. Davis assured that it will meet ordinance requirements.

Chairman Orlik opened the public hearing.

Randi L'Hommedieu, 1501 Abbey Lane, referenced a petition containing 37 signatures from residents in the area who are opposed to the SUP request.

Robin Chomchai, 1400 Abbey Lane, spoke in support of the applicant's request. Appraisal reports from two homes near the applicant's current day care home on Churchill were presented to staff. Ms. Chomchai said the values of those homes have not been adversely affected by the day care.

Helen Norman, 1421 Abbey Lane, spoke in opposition to the applicant's request.

Darlyn Theisen, a current day care parent of the applicant, spoke in support of the requested SUP, stating that for seven years she has traveled the same route past 1511 Abbey Lane dropping off and picking up her child from the applicant's current day care. She also noted there is a lot of other traffic on Sweeney and as such, a day care on Abbey and Sweeney would not create any more of an impact on Sweeney.

Jaifei Yin, 1422 Abbey Lane, expressed concern about child safety with the amount of traffic on Sweeney.

There being no one else wishing to speak, the Chair closed the public hearing.

Discussion.

Commissioner Lux asked if there are any parking restrictions along Abbey Lane. Staff said there are not.

Commissioner English asked if the subdivision restrictions at the applicant's current location allows day care homes. Staff explained that since subdivision restrictions are private contracts, they are not enforced by the City and therefore could not answer that question.

Commissioner Smith asked about whether the subject location is impacted by other traffic issues. Chairman Orlik asked if someone in the audience could answer the question.

Lynne L'Hommedieu, 1501 Abbey Lane, said two busses stop at the corner of Sweeney and Abbey in front of 1511 Abbey every morning at 6:55 a.m.

Commissioner Smith asked if staff was aware of any accidents at that location. Staff said that question wasn't asked of public safety staff.

Motion by Ellertson, seconded by Jakeway, to approve SUP-09-06 for a group day care home licensed for up to 12 children at the property located at 1511 Abbey Lane, based on the drawings submitted with the request, along with the following conditions:

1. The applicant shall submit sufficient information to demonstrate that the proposed fencing will meet the requirements of Section 154.051(C)(4)(d) of the Zoning Ordinance. The fencing along Sweeney Street shall be compatible with the decorative fencing that exists on the lot.
2. In accordance with Section 154.051(C)(4)(h) of the Zoning Ordinance, the facility shall be subject to inspection prior to occupancy, and annually thereafter, by the Building Official and Fire Marshall for compliance with current codes. The applicant shall contact those officials no less than 45 days prior to the anniversary date of the prior year's inspection to schedule the annual inspection.
3. In accordance with Section 154.051(C)(4)(e) of the Zoning Ordinance, all outdoor play equipment shall be kept a minimum of 12 feet from the residential dwellings on the adjoining properties.
4. The applicant and property owner shall comply with all rental licensing requirements.
5. The hours of operation shall be limited from 7:00 a.m. to 6:00 p.m.

Commissioner Lux asked if the motion could be amended to add "pending approval of DPS". The Chair said that would be a separate issue and would require postponement of the case in order to get the information.

Roll call vote. Aye: Holtgreive, Jakeway, English, Lux, Smith, Ellertson, Orlik. Nay: (none).
Absent: Brockman, Robinette. Motion approved.

- B. Z-09-01 – City of Mt. Pleasant, Division of Public Works – Request to rezone an area 340’ wide by 1320’ deep at the Northwest corner of Chipp-A-Waters Park from R-1 Residential to A-Agriculture for the purpose of constructing a monopole cellular tower.

Staff reported on the applicant’s request to rezone an area within Chipp-A-Waters Park for the purpose of installing a monopole cellular communication tower (see staff report dated May 1, 2009 for details).

The applicant, represented by Duane Ellis and Malcolm Fox, approached the podium. Ellis explained that the City already owns three towers which are generating a significant amount of annual revenue. He also explained that the City felt the proposed location was appropriate, and that the tower will not be lit. Ellis also stated that only three inquiries were received about the proposed rezoning.

Chairman Orlik asked if the proposed use will need a Site Plan Review. Staff confirmed that it will if the rezoning is approved.

Commissioner Smith asked how the location was selected. Ellis said the area chosen is far enough away from residential areas and would have nominal impact on adjacent land uses.

Commissioner English asked where the drive access is proposed to be located. Ellis stated it would be off of Bradley Street.

Chairman Orlik opened the public hearing.

Bob Roberts, Mt. Pleasant Parks and Recreation Commission, spoke of a memo prepared by Parks and Recreation Director Chris Bundy that contained four concerns discussed by the Mt. Pleasant Parks and Recreation Commission: opportunity for public input; precedent; stewardship of the parks; and aesthetics. Chairman Orlik noted that a copy of the memo had been provided to the Planning Commission in the packet.

Elizabeth Hackett, 320 E. Pickard, speaking as a representative for the Girl Scouts, stated that the cabin is still being used by the Girl Scouts and they are opposed to the proposed rezoning because of aesthetics, precedence, and distracting from the scouting experience.

Rachel Sherwood, 4458 S. Crawford, said she is a former Girl Scout and shared the previous speaker’s views.

Jody Sherwood, 1308 Elm, said she has been a resident for 25 years, her kids went to the cabin, her kids use the park, she does not believe the aesthetics are conducive for a park.

Alan Johns, 1414 W. High, feels that the park’s purpose is not best served by the proposed tower and that it would detract from the parks.

Jeannette Holland, 4350 W. Beal City Road, representing the Girl Scouts of Saginaw, agreed with the other statements made.

There being no one else wishing to speak, the Chair closed the public hearing.

Discussion. Commissioner English said the parks are our greatest asset and wouldn’t want to set a precedent.

Motion by Lux, seconded by English, to recommend the City Commission deny the request to rezone an area 340’ wide by 1320’ deep at the Northwest corner of Chipp-A-Waters Park from R-1 Residential to A-Agriculture for the purpose of constructing a cellular tower, based on the finding that the intended use of the property for a cellular tower is not compatible with the use of the property as a public park.

Roll call vote. Aye: English, Lux, Smith, Orlik. Nay: Ellertson, Holtgreive, Jakeway. Motion approved 4:3.

VI. Public Comments:

Chairman Orlik asked if anyone wished to address the Planning Commission.

Pam Dosenberry, 1005 Glenwood, offered comment on agenda item VIII. A. Rules of Procedure, stating it is unbalanced to allow the applicant to speak (during their site plan review) but not the public.

There being no one else wishing to speak, the Chair closed the Public Comments section of the meeting.

VII. Site Plan Reviews:

- A. SPR-09-10 – 621 W. Broomfield – MetroPCS – Installation of antennas on existing tower and equipment cabinets at base of tower.

Staff presented details of the applicant's request, as noted in the staff report dated April 30, 2009.

Discussion (none).

Motion by Smith, seconded by Lux, to approve SPR-09-10 for the property located at 621 W. Broomfield Road, based on the site plan revised on March 05, 2009 (MTP2228A) prepared by Christopher Wzancny and Assoc. Inc., subject to the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

- B. SPR-09-11 – 1635 Gover Parkway – MetroPCS – Installation of antennas on existing tower and equipment cabinets at base of tower.

Staff presented details of the applicant's request, as noted in the staff report dated April 30, 2009.

Discussion (none).

Motion by Lux, seconded by Holtgreive, to approve SPR-09-11 for the property located at 1635 Gover Parkway, based on the site plan last revised on January 14, 2009 (MTP2227A) prepared by Christopher Wzancny and Assoc. Inc., subject to the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

- C. SPR-09-12 – 1301 N. Franklin – MetroPCS – Installation of antennas on existing tower and equipment cabinets at base of tower.

Staff presented details of the applicant's request, as noted in the staff report dated April 30, 2009.

Discussion (none).

Motion by Lux, seconded by English, to approve SPR-09-12 for the property located at 1301 N. Franklin, based on the site plan revised on January 14, 2009 (MTP2230A) prepared by Christopher Wzancny and Assoc. Inc., subject to the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and the Division of Public Works (DPW).

Motion approved.

- D. SPR-09-13 – 1424 E. Bellows – MetroPCS – Installation of antennas on existing tower and equipment cabinets at base of tower.

Staff presented details of the applicant's request, noting the Planning Commission's review of this site plan is advisory only since the site is located on school property which is exempt from City zoning regulations.

Discussion (none).

Motion by Smith, seconded by Ellertson, to support the site plan for the property located at 1424 E. Bellows, based on the site plan last revised on March 5, 2009 (MTP2229A) prepared by Christopher Wzancny and Associates, Inc.,.

Motion approved.

- E. SPR-09-14 – 1418 S. Mission – Mennas Joint 4 LLC – Outdoor dining patio.

Staff presented details of the applicant's request as noted in the staff report dated May 1, 2009. It was also noted that the fencing and planters are removable.

Discussion. Commissioner English asked whether there would be music outdoors. Staff said none was proposed in the application.

Motion by Ellertson, seconded by Smith, to approve SPR-09-14 to allow the installation of an outdoor patio at the property located at 1418 Mission Street, based on the drawings submitted with the request, with the following condition:

1. The applicant shall comply with the requirements of the Division of Public Safety (DPS) and coordinate the installation of required fire apparatus signage.

Motion approved.

- F. SUP-08-10 (Revised) – 701 E. Maple – Timothy Dolehanty – Site plan revision.

Staff presented details of the applicant's request to modify the 6-foot privacy fence to a 4-foot chain link fence for the child care center.

Discussion centered around the gates and boundary language proposed by the applicant. Commissioner Ellertson asked whether the boundary language regarding the times of gate closure could eliminate "programmed recreation time". Mr. Dolehanty explained that the language is part of the Montessori School policy and approved by the State, specifically so that children are not outside unsupervised at any time. Dolehanty also stated that the gates would be closed 95% of the time, and never locked.

Motion by Smith, seconded by Holtgreive, to approve the modified site development plan for SUP-08-10 based on the drawing prepared by Timothy J. Dolehanty dated April 10, 2009, subject to the following conditions:

1. The applicant shall comply with the policy proposed for boundaries, i.e.

A fence area on the north side of the building serves as an enclosed playground area. Children are allowed to play on the sidewalk and in the paved area within the enclosed area. Gates shall remain closed when children occupy the enclosed area for programmed recreation time. No child may ever be left ~~alone~~ alone on the playground for any reason. Children and parents must leave the playground area when staff is not present. Children may not be on the playground later than 5:30 p.m. due to liability issues.

2. All other terms and conditions of the original approval remain in effect.

Motion approved.

VIII. Unfinished Business:

- A. Rules of Procedure – Consider revisions for accepting applicant comments on site plan reviews.

Staff presented his memorandum dated May 1, 2009, and proposed language to modify the Rules of Procedure for accepting applicant comments (up to 5 minutes) on site plan reviews.

Discussion included whether the public is given adequate opportunities to be aware of upcoming site plan reviews.

Motion by Ellertson, seconded by Smith, to approve the modifications to the Rules of Procedure.

Discussion on the motion.

Motion by Lux, seconded by Holtgreive, to amend the original motion to instruct staff to explore whether site plan review information can be posted to the website.

Discussion the amended motion. Staff agreed to look into possible options, noting that information would not be available sooner than packets delivered to the Commission and posting of the agenda.

Amended motion approved.

Original motion approved.

IX. New Business:

- A. 2010 – 2014 Capital Improvement Plan – Consider recommendation to adopt plan.

Staff explained the purpose of the Capital Improvement Plan (CIP), noting that staff is comfortable that it is consistent with the Master Plan.

Discussion.

Commissioner Jakeway expressed concern about the condition of the alley downtown between Main and University behind the Bird Bar and Listening Ear and asked when it is planned for improvement. Staff stated it is on the CIP project list for 2011 (see page 43 of the draft CIP).

Motion by Holtgreive, seconded by English, to recommend adoption of the 2010–2014 Capital Improvement Plan by the City Commission.

Motion by Jakeway, seconded by Smith, to amend the original motion to consider moving the renovation of the alley behind the Bird Bar and Listening Ear from 2011 to the current year (2009).

Discussion.

Commissioners Lux and English stated that they were not comfortable second guessing why the plan listed that alley for renovation in 2011.

Roll call vote on amendment. Aye: Jakeway, Smith, Holtgreive. Nay: Lux, Ellertson, Orlik. Abstain: English. Motion failed 3:3:1.

Vote on original motion (not roll called). Motion passed.

- B. Isabella County Draft Master Plan – Consider whether to comment on proposed plan.

Staff presented his memorandum dated April 30, 2009, which summarized the proposed updates to the County's Master Plan, including language revisions to address recent amendments to the State law, along with maps that have been added to the Plan.

Motion by Ellertson, seconded by Holtgreive, to send a letter of thanks to Isabella County for the opportunity to comment on its proposed Master Plan amendments.

Motion approved.

X. Other:

A. Staff Reports.

1. June Planning Commission meeting – Anticipated agenda items.

Staff briefed the Commission about a project proposed on W. Pickard that will involve conditional rezoning, a special use permit, and site plan review. In the essence of time, the applicant is requesting a special meeting prior to the next regular meeting to approve the proposed site plan; otherwise the rezoning and SUP cannot be pursued. Following discussion about possible dates, staff will poll Commission members to determine a date in May to hear the site plan review.

XI. Adjournment:

Motion by Lux, second by Ellertson, to adjourn the meeting at 9:20 p.m. Motion approved.

JS